

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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INDEPENDENT ASSET MANAGEMENT LLC and :
OLA HOLMSTROM, :
 : 07 Civ. 6431 (JSR)
 :
 : Plaintiffs, :
 :
 : ORDER
 :
 : -v- :
 :
 : DANIEL ZANGER, :
 :
 : Defendant. :
 :
-----X

JED S. RAKOFF, U.S.D.J.

Defendant Daniel Zanger moves to dismiss the complaint pursuant to Fed. R. Civ. P. 12(b)(6) for failure to state a claim upon which relief can be granted. Counts II and IV are hereby dismissed with prejudice. Counts I, III, V, and VI are hereby dismissed without prejudice. To the extent that plaintiffs intend to amend the complaint, they must do so by October 23, 2007. An opinion explaining the reasons for these determinations will issue in due course.

SO ORDERED.


JED S. RAKOFF, U.S.D.J.

Dated: New York, New York
October 5, 2007

